

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SOCIETY OF THE HOLY  
TRANSFIGURATION MONASTERY,  
INCORPORATED,

*Plaintiff,*

v.

ARCHBISHOP GREGORY OF DENVER,  
COLORADO,

*Defendant.*

Civil Action No. 1:07-cv-12387-RGS

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**DECLARATION OF METROPOLITAN EPHRAIM IN SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

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1. I am a member of the Society of the Holy Transfiguration Monastery, Inc. (the “Monastery”) and I make this declaration in support of the Monastery’s Motion for Summary Judgment.

2. I have been a member of the Monastery since 1963. I am literate in both the Koine (New Testament) Greek and modern Greek languages.

3. Since its inception, the Monastery has worked on translating certain religious texts from Greek (and other languages) into English.

4. Certain members of the Monastery have participated in the creation of the six works that are at issue in this case, namely, the Psalter Work, The Prayer Book Work, the Horologion Work, the Pentecostarion Work, the Dismissal Hymns Work, and the Octoëchos Work (hereinafter collectively, the “Works”).

5. The Psalter Work comprises an English translation of the Psalter, or Book of Psalms, from the Greek Septuagint version of the Old Testament Scripture.

6. The Prayer Book Work comprises an English translation of certain religious texts from various Greek source texts.

7. The Horologion Work comprises an English translation of certain religious services from various Greek source texts.

8. The Horologion Work also contains original material, namely, text composed by Monastery members, which was not translated from a source text.

9. The Pentecostarion Work comprises an English translation of the original Greek text of the book of church services called The Pentecostarion.

10. The Dismissal Hymns Work comprises an English translation of certain religious texts from various Greek and Slavonic source texts.

11. At the time of its translation by HTM, there was no other existing English translation of the Collected Dismissal Hymns, with the exception of the hymns for the great feasts.

12. The Dismissal Hymns Work also contains original material, namely, text composed by Monastery members, which was not translated from a source text.

13. The Octoëchos Work comprises an English translation of the original Greek text of the book of church services called The Octoëchos.

14. At the time of its translation by HTM, there was no other existing English translation of the Octoëchos weekday services.

15. Members of the Monastery participate in the creation of the Works as an obedience to and for the benefit of the Monastery.

16. The Monastery's translation program was begun on the initiative of the abbot of the Monastery, acting on behalf of the Monastery, as part of the Monastery's ordinary business.

17. For approximately 34 years, from 1963 until 1997, I oversaw the Monastery's translation program, in consultation with the Abbot and subject to his blessing.

18. During that time, I was the primary person who decided what works would be translated by the Monastery, in consultation with the Abbot and subject to his blessing.

19. The translation process took place at the Monastery's residence in Brookline, Massachusetts, by those members who were skilled at reading and writing both Greek and English.

20. Other members of the Monastery, not involved with the Monastery's translation program, undertook other jobs within the Monastery to ensure the functioning of the Monastery and of the translation program.

21. I personally worked on all or a portion of the translations for each of the six Works. I was the primary translator for the Dismissal Hymns Work and one of the primary translators for the Octoëchos Work. I also created portions of original text for the Dismissal Hymns Work and the Horologion Work. For example, some of the Megalynaria, Kontakia, and Dismissal Hymns to the saints that appear in the Monastery's Dismissal Hymns Work are my own compositions, that is, not translated from a source text. The following are representative examples, among many:

January 2 – "Megalynarion of St. Seraphim of Sarov"

January 3 – "Dismissal Hymn of St. Genevieve of Paris"; "Kontakion of St. Genevieve of Paris"; and "Megalynarion of St. Genevieve of Paris."

January 4 – "Megalynarion of St. Achila of the Kievan Caves"

February 4 – "Megalynarion of St. Cyril of New Lake" and "Megalynarion of the Right-believing Great Prince George"

March 2 – “Megalyrnarion of St. Arsenius of Tver”

March 14 – “Megalyrnarion of St Benedict”

April 1 – “Megalyrnarion of St. Euthymius of Suzdal” and “Megalyrnarion of St. Gerontius and Leontius the Canonarchs”

May 23 – “Megalyrnarion of Holy Hieromartyr Leontius” and “Megalyrnarion of St. Euphrosyne”

May 24 – “Megalyrnarion of St. Nicetas the Stylite”

June 22 – “Dismissal Hymn of St. Alban of Britain”; “Kontakion of St. Alban” and “Megalyrnarion of St. Alban”

July 7 – “Megalyrnarion of St. Sisoës of the Kievan Caves” and “Megalyrnarion of St. Juliana, Princess of Olshansk”

August 7 – “Megalyrnarion of St. Pimen the Sickly” and “Megalyrnarion of St. Pimen the Faster”

September 7 – “Megalyrnarion of St. John, Archbishop of Novgorod”; “Megalyrnarion of Righteous Hieromartyr Macarius of Kanev”; and “Megalyrnarion of St. Serapion of Spaso-Eleazar Monastery”

September 9 – “Megalyrnarion of St. Joseph of Volokolamsk”

September 10 – “Megalyrnarion of St. Paul the Obedient”

October 4 – “Megalyrnarion of St. Ammon of the Kievan Caves”; “Megalyrnarion of Ss. Guria and Barsanuphius, Bishops of Kazan”; and “Megalyrnarion of St. Stephan Stilianovich”

November 6 – “Megalyrnarion of St. Barlaam, Abbot of Chutinsk” and “Megalyrnarion of St. Herman, Archbishop of Kazan”

December 2 – “Megalyonariion of St. Athanasius of the Kievan Caves” and “Megalyonariion of St Stephen Urosh”

Pentecost – “Megalyonariion of the Sunday of the Myrrh-Bearing Women” and  
“Megalyonariion of the Sunday of the Paralytic”

All of the foregoing are original compositions of my own independent creation.

22. No one at ROCOR ever decided what works were to be translated by the Monastery.

23. No one at ROCOR ever requested that certain works be translated by the Monastery.

24. No one at ROCOR ever oversaw the Monastery’s translation program.

25. No one at ROCOR ever performed any of the work of translation in creation of the Works, and no one at ROCOR ever contributed any original text for inclusion in the Works.

26. No one at ROCOR ever reviewed or edited the Works, either during creation or prior to publication, nor did anyone at ROCOR ever ask to do so.

27. ROCOR did not pay the Monastery to create or publish any of the Works.

28. Sale of the Monastery’s published Works is one of the sources of income for the Monastery.

29. On occasion throughout the years and on a very limited basis, the Monastery has provided portions of its Works to English-speaking Orthodox parishes. This was done in part to obtain feedback on the style of the translations so that the Monastery could determine whether style or syntax changes should be made for purposes of creating a linguistically pleasing English-language liturgical text. This was also done in part to provide a limited number of Orthodox

parishes (with primarily English-speaking parishioners) with liturgical texts so that they could offer some portion of their services in English.

30. I have reviewed documents that I understand were produced by Archbishop Gregory in this lawsuit under the file names “Menaion January est. 1980.pdf”, “Menaion February.pdf”, “Menaion March est. 1980.pdf”, “Menaion April est. 1980.pdf”, “Menaion May est. 1980.pdf”, “Menaion June est. 1980.pdf”, “Menaion July est. 1980.pdf”, “Menaion August est. 1980.pdf”, “Menaion September est. 1980.pdf”, “Menaion October est. 1980.pdf”, “Menaion November est. 1980.pdf”, and “Menaion December est. 1980.pdf”, one of which (Menaion April est. 1980.pdf) I understand was introduced at Archbishop Gregory’s deposition under Deposition Exhibit No. 19. I recognize these documents as comprising a photocopy of numerous pages from the Monastery’s unpublished Dismissal Hymns Work. Additionally, I recognize the handwriting and handwritten edits that appear throughout these documents as my own handwriting. Additionally, these documents include many of my original textual compositions, including all of the 12-month compositions listed above in paragraph 21.

31. I have reviewed documents that I understand were produced by Archbishop Gregory in this lawsuit under the file names “Octoechos -- part one -- 1980.pdf” and “Octoechos -- part two -- 1980.pdf”, which I understand were introduced at Archbishop Gregory’s deposition under Deposition Exhibit numbers 17 and 18. I recognize these documents as comprising a photocopy of numerous pages from the Monastery’s unpublished Octoëchos Work. Additionally, I recognize handwriting and handwritten edits that appear throughout these documents as my own handwriting.

32. I have reviewed a document that I understand Defendant refers to as the ROCOR “Monastic Statutes”, which was introduced at Archbishop Bishop Gregory’s and Father

Panteleimon's deposition under Deposition Exhibit No. 82. I have no recollection of ever being shown or given this document by anyone at ROCOR, until it was produced by the Defendant during this lawsuit.

33. I have reviewed a document that I understand Defendant refers to as the ROCOR "Monastic Regulations", which was introduced at Father Panteleimon's deposition under Deposition Exhibit No. 91. I have no recollection of ever being shown or given this document by anyone at ROCOR, until it was produced by the Defendant during this lawsuit.

34. I have reviewed a document that I understand Defendant refers to as the ROCOR "Monastic Decree on Property and Finances", which was introduced at Father Panteleimon's deposition under Deposition Exhibit No. 90. I have no recollection of ever being shown or given this document by anyone at ROCOR, until it was produced by the Defendant during this lawsuit.

35. To my knowledge, ROCOR has never asked that the Monastery assign or transfer the ownership interest in the Monastery's copyrights in the Works to ROCOR, or to any bishop of ROCOR, or to anyone else.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18<sup>th</sup> day of June 2010, at Brookline, Massachusetts.

  
Metropolitan Ephraim

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 18<sup>th</sup> day of June, 2010.

/s/ Amy L. Brosius

Amy L. Brosius